

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA**

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JIMI ROSE,

Plaintiff,

v.

MATTRESS FIRM, INC. and  
JOHN ECK,

Defendants.

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No. 5:20-cv-06334

**ORDER**

**AND NOW**, this 23<sup>rd</sup> day of February, 2021, upon consideration of the Defendants' motion to dismiss Plaintiff's Complaint, *see* ECF No. 6, as well as their motion to strike, *see id.*, and for the reasons set forth in the Opinion issued this date, **IT IS HEREBY ORDERED AS FOLLOWS:**

1. Defendants' motion to dismiss, ECF No. 6, is **GRANTED**.
2. Plaintiff's Complaint, ECF No. 1, is **DISMISSED, with prejudice**.
3. Defendant's motion to strike, ECF No. 6, is **GRANTED**.
4. Reference to John Eck as a "thief" in the caption of the Complaint; references in paragraph 10 of the Complaint to John Eck as "President of this slip-shod business," "ripping people off," and having "an overwhelming disregard for the consumers' rights;" as well as similar language in paragraph 13 of the Complaint, is **HEREBY STRICKEN from the Complaint** as immaterial, impertinent, and scandalous pursuant to Federal Rule of Civil Procedure 12(f).
5. Plaintiff's motions at ECF Nos. 18 and 19 are **DISMISSED, as moot**.
6. This case is **CLOSED**.

BY THE COURT:

/s/ Joseph F. Leeson, Jr.

JOSEPH F. LEESON, JR.

United States District Judge